

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

U.S. BANK, N.A.,

Plaintiff(s),

V.

QUEEN VICTORIA #1720-104 NV WEST  
SERVICING LLC,

Defendant(s).

Case No. 2:13-cv-01679-GMN-NJK

## ORDER DENYING MOTION FOR DEFAULT JUDGMENT

(Docket No. 18)

“Judges are not like pigs, hunting for truffles buried in briefs.” *See, e.g., Greenwood v. F.A.A.*, 28 F.3d 971, 977 (9th Cir. 1994) (quoting *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991) (per curiam)). Bare assertions of a right to relief are not valid or sufficient. *Id.* (finding argument waived for failing to present “specific, cogent argument”). In short, “[a] judge is an impartial umpire of legal battles, not a [party’s] attorney. [She] is neither required to hunt down arguments the parties keep camouflaged, nor required to address perfunctory and undeveloped arguments. . . . To the extent [a party] fails to develop any additional arguments or provide support for them,[it] has waived them.” *The Vaccine Ctr. LLC v. GlaxoSmithKline LLC*, 2013 U.S. Dist. Lexis 68298, \*8 n.4 (D. Nev. May 14, 2013) (quoting *Williams v. Eastside Lumberyard & Supply Co.*, 190 F. Supp. 2d 1104, 1114 (S.D. Ill. 2001)).

Pending before the Court is Plaintiff's second attempt to move for entry of default judgment. Docket No. 18.<sup>1</sup> Plaintiff's motion fails to present meaningfully-developed arguments supported with

<sup>1</sup> The Court previously denied Plaintiff’s motion (consisting of less than one page of “argument”) for entry of default judgment. *See* Docket No. 15 (denying Docket No. 14). The Court directed Plaintiff to ensure that any renewed motion for default judgment properly addressed the seven *Eitel* factors relevant to the Court’s analysis. *See id.* at 2.

1 citation to authority. By way of example, Plaintiff argues that the merits of its substantive claim favors  
2 entry of default judgment. The argument in support of that position is, in its entirety, the following:

3           Regarding the merits of the Plaintiff's substantive claims, while there is a split of  
4 authority among state court and federal court judges in Nevada regarding the effect, if  
5 any, of a non-judicial homeowners association foreclosure sale under NRS 116 on a first  
position deed of trust, the majority have thus far sided with secured creditors on this  
issue.

6 Docket No. 18 at 6. Plaintiff fails to articulate precisely the legal issue involved, how it applies to this  
7 case, or even which provisions of N.R.S. 116 are at issue. Plaintiff fails to provide a single citation to  
8 either line of legal precedent. Plaintiff fails to indicate if Chief United States District Judge Gloria M.  
9 Navarro (the presiding district judge in this case who will review any report and recommendation issued  
10 by the undersigned) has weighed in on the dispute. Plaintiff fails to cite to case law that this *Eitel* factor  
11 weighs in favor of default judgment simply based on the (asserted) fact that a majority of judges believe  
12 the claim does not fail as a legal matter. Instead, Plaintiff asks this Court to blindly accept its  
13 unsupported assertion that a majority of cases have found that its claim is not legally faulty and,  
14 consequently, that this factor weighs in favor of entry of default judgment. This the Court will not do.

15           Similarly, Plaintiff appears to argue that the Court need not reach the *Eitel* factors at all, arguing  
16 that "[t]he Defendant has not appeared in this action to dispute the allegations or contest the relief sought  
17 by the Plaintiff, *and there are no issues that require further inquiry by the Court prior to entry of default*  
18 *judgment.*" See Docket No. 18 at 5 (emphasis added). As this Court has made clear previously,  
19 however, the mere failure of Defendant to appear and the entry of a default "alone does not entitle  
20 [Plaintiff] to a court-ordered judgment." Docket No. 15 at 2 (citing *Utica Mutual Ins. Co. v. Larry*  
21 *Black*, 2014 U.S. Dist. Lexis 33501, \*5 (D. Nev. Feb. 21, 2014) (Koppe, J.), *adopted*, 2014 U.S. Dist  
22 Lexis 33500 (D. Nev. Mar. 14, 2014) (Navarro, C.J.)). Plaintiff fails to provide citation to legal  
23 authority or develop in any way its apparent argument that the undersigned should recommend entry of  
24 default judgment in this case based solely on the fact that Defendant has not appeared, a position that  
25 appears to be directly at odds with the case law in this District and precedent issued from the Ninth  
26 Circuit.

1 The Court's discussion above does not provide an exhaustive list of the shortcomings in the  
2 pending motion.<sup>2</sup> Suffice it to say, however, Plaintiff has not provided developed arguments sufficient  
3 for the Court to rule on the pending motion. When a party seeks relief from this Court, it bears the  
4 obligation of providing a basis for the relief sought through meaningful discussion of the relevant legal  
5 and factual issues involved. In the pending motion for default judgment, Plaintiff has not done so.  
6 Accordingly, the Court **DENIES** the motion without prejudice. Any renewed motion for default  
7 judgment must be filed no later than October 10, 2014.

8 IT IS SO ORDERED.

9 DATED: September 10, 2014

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Nancy J. Koppe  
United States Magistrate Judge  
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26 <sup>2</sup> In addition to failing to develop arguments, some of the arguments presented are plainly  
27 inapposite to the Court's analysis. *Compare Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986)  
28 (listing as the first relevant factor "the possibility of prejudice to the *plaintiff*" (emphasis added)) *with*  
Docket No. 18 at 6 (analyzing "the likelihood of prejudice to the *defendant*" (emphasis added)).